

In March 2019, plaintiff filed a *pro se* application to proceed *in forma pauperis* under 28 U.S.C. § 1915. [DE 1]. Plaintiff alleges that he was discriminated against on the basis of his race while employed as a cook at Mavericks Pointe Restaurant in Sunset Beach, North Carolina, and ultimately terminated in August 2018 after only eight weeks of employment. In May 2019, Judge Gates entered the instant memorandum and recommendation (M&R), granting plaintiff's application to proceed *in forma pauperis* and recommending that plaintiff's claims must be dismissed to the extent that they rely upon Title VII of the Civil Rights Act of 1964, but that plaintiff's claim under 42 U.S.C. § 1981 should be permitted to proceed.

DISCUSSION


A district court is required to review *de novo* those portions of an M&R to which a party timely files specific objections or where there is plain error. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985). “[I]n the absence of a timely filed objection, a district court need not conduct de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (internal quotation and citation omitted).

No party has objected to the M&R and the time for doing so has passed. The Court has reviewed the M&R and is satisfied that there is no clear error on the face of the record. Accordingly, the memorandum and recommendation is ADOPTED.

CONCLUSION

The memorandum and recommendation of Magistrate Judge Gates is ADOPTED and plaintiff’s claim under Title VII is DISMISSED. Plaintiff’s claim under § 1981 may proceed.

SO ORDERED, this 26 day of May, 2019.


TERRENCE W. BOYLE
CHIEF UNITED STATES DISTRICT JUDGE